

not originate from the DNA in that cell would, according to my sincerely held religious beliefs, interfere with God's creation.

8. I also object to the Johnson & Johnson vaccine because it was manufactured using aborted fetal cells, and deriving any personal benefits from an abortion, no matter when it occurred, would violate my sincerely held religious beliefs in the sanctity of human life and the biblical principle that life begins at conception, as contemplated by Psalm 139:13-16 and Jeremiah 1:5.
9. I believe that this would make me complicit in an abortion, which would violate one of the Ten Commandments that govern my behavior as a Christian, as articulated in Exodus 20:13 ("You shall not murder").
10. I have not received any vaccinations, including the flu shot, since I was a child, due to my sincerely held religious beliefs.

Agency Religious Exemption Procedure

11. On October 27, 2021 at 11:07 a.m., I received an email from the DOC informing me that I was required to be vaccinated by October 29, 2021, just two days later.
12. The email stated that I could request a reasonable accommodation by the same day at 5 p.m.
13. A true and correct copy of this email is attached as Exhibit A.
14. This was the first time I had heard from the DOC about the vaccination requirement and the religious exemption process.
15. I hastily compiled my materials and submitted them by the close of that business day.
16. A true and correct redacted copy of my application is attached as Exhibit B.

17. At 4:42 p.m. on November 17, I received an email from the DOC EEO indicating that my request was denied.
18. The denial stated that accommodating me would be an undue hardship to the DOC. It is attached as Exhibit C.
19. The denial letter admitted that “the public frequently visits detainees and interacts with Members of Service” and that “they may introduce COVID-19 into the facilities where it can be transmitted to Members of Service and detainees within our custody.” Such members of the public and the detainees are not required to be vaccinated.
20. I am a non-uniformed Member of Service and I work in an office trailer on Rikers Island. I come into contact with ten or fewer people daily. I do not work directly with detainees or enter the jails to perform my duties. I seldom come into contact with any Members of Service who go into the jails.
21. I therefore present less of a threat to detainees and Members of Service that go into the jails than members of the public.
22. I was able to fulfill my duties remotely from March 2020 to September 2021, during the height of the pandemic. I am also willing to wear a mask and engage in weekly PCR testing as required.
23. An agreement between my union, the Service Employees International Union Local 300, and the City of New York stated that I could appeal to either a Citywide Appeal panel, or by going to arbitration through Scheinman Arbitration and Mediation Services (“SAMS”).
24. A true and correct copy of this agreement is attached as Exhibit D.
25. Option two of the appeal procedures discussed in the agreement, the SAMS arbitration

option, requires employees to submit a letter from their clergy and states that only individuals in recognized and established religious sects (e.g. Christian Scientists) and whose religious leaders have not publicly spoken in favor of the vaccine can receive exemptions.

26. This standard is unlawful, as Corporation Counsel for the City of New York admitted and the Second Circuit Court of Appeals found in *Keil v. City of New York*, 21-2711 (2d Cir. 2021) and *Kane v. City of New York*, 21-2678 (2d Cir. 2021).


27. I chose to submit my appeal, including a letter from my attorney, to the NYC Commission on Human Rights Appeal Panel on November 22, 2021 through the Vaccine Mandate Reasonable Accommodation Appeal portal at www.nyc.gov/vaxappeal.

28. A true and correct copy of my appeal is attached as Exhibit E.

29. I have not heard back from the Appeal panel.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 8, 2022


By: Gennaro Agovino